

and (5) Count Eight fails to state a claim for "medical monitoring," insofar as that cause of action does not exist in Massachusetts.

WHEREFORE, and for the reasons set forth in the accompanying memorandum of law, Counts IV, V, VI, VII, VIII, XII, and XIII of plaintiffs' Amended Complaint should be dismissed in their entirety.

BRUSH WELLMAN INC.,
BRUSH WELLMAN CERAMICS INC., and
BRUSH WELLMAN CERAMIC PRODUCTS
INC.

By their attorneys,



Dated: November 10, 2004

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(Application for Admission *Pro Hac Vice* pending)

REQUEST FOR ORAL ARGUMENT

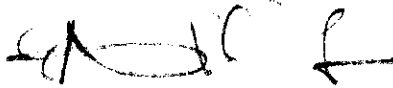
Defendant Brush Wellman Inc. believes that oral argument may assist the Court and hereby requests a hearing on the foregoing Motion to Dismiss Counts IV, V, VI, VII, VIII, XII, and XIII of Plaintiffs' Amended Complaint.



Alan M. Spiro BBO # 475650
Attorney for Defendant Brush Wellman Inc.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

I HEREBY CERTIFY that on this 10th day of November, 2004, the undersigned counsel conferred with counsel for plaintiffs, Bradley M. Henry, by telephone, and attempted, in good faith, to resolve or narrow the issues addressed in the foregoing **Motion of Defendants Brush Wellman Inc., Brush Wellman Ceramics Inc., and Brush Wellman Ceramic Products Inc. to Dismiss Counts IV, V, VI, VII, VIII, XII, AND XIII of Plaintiffs' Amended Complaint for Failure to State Claims Upon Which Relief May be Granted.**



Alan M. Spiro BBO # 475650
Attorney for Defendant Brush Wellman Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of November, 2004, a true and correct copy of the foregoing **Motion of Defendants Brush Wellman Inc., Brush Wellman Ceramics Inc., and Brush Wellman Ceramic Products Inc. to Dismiss Counts IV, V, VI, VII, VIII, XII, AND XIII of Plaintiffs' Amended Complaint for Failure to State Claims Upon Which Relief May be Granted** was served via U.S. mail, first class postage prepaid, to the following:

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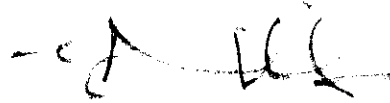
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